

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, November 9, 2021)

501 KAR 3:110. Classification.

RELATES TO: KRS 441.045, 441.055

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020 requires the Department of Corrections [Correction] to promulgate administrative regulations that include a requirement of a physical barrier between male and female prisoners. KRS 441.055(1) requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes procedures for the classification of prisoners in full-service jails.

Section 1. Procedure. (1) Each jail shall develop a prisoner classification system, which shall be included in the facility's written policy and procedure manual.

(2) The prisoner classification system shall provide for separation of the following categories of prisoners:

- (a) Male and female prisoners, which shall be separated by a physical barrier, except in diversion holding areas~~[/holding]~~;
- (b) Mental inquest detainee and other prisoners;
- (c) Mentally ill or intellectually disabled ~~[mentally-retarded]~~ prisoner and other prisoners;
- (d) Chemically incapacitated prisoner and other prisoners;
- (e) A prisoner with a tendency to harm others, be harmed by others, or requiring administrative segregation and other prisoners; and
- (f) A prisoner with a communicable disease and other prisoners.

(3) The criteria to be used in the classification of other prisoner categories shall be as follows:

- (a) Seriousness of current offense;
- (b) Institutional behavioral history;
- (c) Special needs;
- (d) Known criminal history; and
- (e) Trustees.

(4) Trustees. The jailer or his designee shall base selection of prisoners for trustee status on the following criteria:

- ~~(a)[1.]~~ The nature of the prisoner's offense and sentence;
- ~~(b)[2.]~~ Previous escape attempts; and
- ~~(c)[3.]~~ The generally positive nature of the prisoner's daily ~~["day-to-day"]~~ behavior.

~~(5)[4.]~~ A prisoner's classification shall be reevaluated if the prisoner's status changes based on factors to include the following:~~[-]~~

- (a) Results of a court appearance by the prisoner, such as being sentenced;
- (b) Disciplinary hearing and action; and
- (c) Reevaluation of the prisoner's physical, emotional, or mental condition.

~~(6)[5.]~~ The prisoner classification system shall prohibit discrimination or segregation based upon race, color, creed, or national origin.

Section 2. (1) Each ~~jail [detention facility]~~ with ~~a~~ direct supervision ~~area [areas]~~ shall, and other ~~jails [detention facilities]~~ may, develop a system of prisoner classification to assess prisoners for the ~~purposes~~[purpose] of:

- (a) Protecting public or institutional safety;
- (b) Providing an acceptable level of health care services; and
- (c) Considering the opportunity to provide programs intended to reduce the likelihood of reincarceration.

(2) The classification system shall provide for the assessment of prisoner risk and need, considering elements including:

- (a) Need for medical care;
- (b) Need for mental health care;
- (c) Propensity for suicidal behavior;
- (d) Potential conflict arising from contact with another individual or group within the ~~facility~~[institution];
- (e) Potential threat of escape;
- (f) Potential threat to public safety if placed in a community release program;
- (g) Potential risk to staff or another prisoner;
- (h) Record of previous institutional behavior; and
- (i) Assessment for participation in educational, vocational, rehabilitative, or work-related programming.

(3) Each classification system shall consider the development of the following components:

- (a) An assessment of a prisoner upon intake to the facility to determine:
 - 1. Legal custody;
 - 2. Medical fitness for acceptance; and
 - 3. Information asked of the arresting or transporting agent concerning the prisoner's potential risk and needs.

- (b) A screening component to assess, as soon as practical after acceptance into the facility, the prisoner's risk and need for the purpose of determining appropriate housing, supervision requirements, and the need for providing immediate health care or other services.

- (c) A primary classification of a prisoner shall be accomplished as soon as practical after his initial court appearance, or prior to a permanent housing placement within the ~~facility~~[institutional] population to address the long term housing, supervision, and health care needs of the prisoner. Primary classification may also address the appropriateness of program placement in consideration of the needs of the prisoner and the potential risks to the community and the ~~facility~~[institution] associated with the placement.

- (4) A reclassification component shall be developed that reassesses the prisoner's risk, need, ~~and~~ housing assignment, and supervision based upon either time, event, change of status, or request.

- (5) An instrument of assessment shall be developed for each of the classification components using sources including charged offense, criminal history of the prisoner, available institutional behavior history, interview, and observation of the prisoner, or other information sources available to the ~~facility~~[institution].

The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on July 13, 2021 prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).

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